

PRINCIPAL SHOPPING DISTRICTS AND BUSINESS IMPROVEMENT DISTRICTS (EXCERPT)
Act 120 of 1961

125.990e Public hearing of governing body; notice; approval or rejection; amendment; resubmission; assessment; election; publication of notice; assisting in conduct of election.

Sec. 10e. (1) If a zone plan is adopted and presented to the clerk of the city or village in accordance with section 10d, the governing body of the city or village shall within 45 days schedule a public hearing of the governing body to review the zone plan and any proposed assessment and to receive public comment. The clerk shall notify all owners of parcels within the zone area of the public hearing by first-class mail.

(2) At the public hearing, or at the next regularly scheduled meeting of the governing body of the city or village, the governing body shall approve or reject the establishment of the business improvement zone and the zone plan as adopted by the property owners under section 10d(3). If the governing body rejects the establishment of the business improvement zone and the zone plan, the clerk shall notify all property owners within the zone of a reconvened meeting of the property owners which shall be held not sooner than 10 days or later than 21 days after the date of the rejection by the governing body. The notice shall be sent by first-class mail to the property owners not less than 7 days prior to the scheduled date of the meeting and shall include the specific location and the scheduled date and time of the meeting, as determined by the person initiating the establishment of the business improvement zone under section 10c(1). At the reconvened meeting, the property owners may amend the zone plan if approved by a majority of the property owners as provided in section 10d(3). The amended zone plan may be resubmitted to the clerk of the city or village without the requirement of a new petition under section 10c for approval or rejection at a meeting of the governing body of the city or village not later than 60 days after the amended zone plan is resubmitted to the clerk. If a zone plan is not rejected within 60 days of the date the amended zone plan is resubmitted to the clerk, the amended zone plan is considered approved by the governing body of the city or village. If the amended zone plan is rejected by the governing body, then the amended zone plan may not be resubmitted without the delivery of a new petition under section 10c.

(3) Approval of the business improvement zone and zone plan shall serve as a determination by the city or village that any assessment set forth in the zone plan, including the basis for allocating the assessment, is appropriate, subject only to the approval of the business improvement zone and the zone plan by the property owners in accordance with section 10f.

(4) If the governing body of the city or village approves the business improvement zone and zone plan or if the amended zone plan is considered approved under subsection (2), the clerk of the city or village shall set an election pursuant to section 10f not more than 60 days following the approval.

(5) The clerk of the city or village shall send to the property owners notice by first-class mail of the election not less than 30 days before the election and publish the notice at least twice in a newspaper of general circulation in the city or village in which the zone area is located. The first publication shall not be less than 10 days or more than 30 days prior to the date scheduled for the election. The second publication shall not be published less than 1 week after the first publication.

(6) The election described in this section and section 10f is not an election subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(7) The person who filed the petition under section 10c, the proposed board members, and the property owners may, at the option and under the direction of the clerk, assist the clerk of the city or village in conducting the election to keep the expenses of the election at a minimum.

History: Add. 2001, Act 260, Eff. Mar. 1, 2002.

Popular name: Shopping Areas Redevelopment Act